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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,719	10/24/2003	Douglas R. Swarts	006386.P002	1572
40418	7590	09/17/2007		EXAMINER
HEIMLICH LAW 5952 DIAL WAY SAN JOSE, CA 95129			ART UNIT	PAPER NUMBER

DATE MAILED: 09/17/2007

Please find below and/or attached an Office communication concerning this application or proceeding.

**Communication Re: Appeal**

Application No.

10/693,719

Applicant(s)

SWARTS, DOUGLAS R.

Examiner

Cloud K. Lee

Art Unit

3753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1.  The Notice of Appeal filed on \_\_\_\_\_ is not acceptable because:

- (a)  it was not timely filed.
- (b)  the statutory fee for filing the appeal was not submitted. See 37 CFR 41.20(b)(1).
- (c)  the appeal fee received on \_\_\_\_\_ was not timely filed.
- (d)  the submitted fee of \$\_\_\_\_\_ is insufficient. The appeal fee required by 37 CFR 41.20(b)(1) is \$\_\_\_\_\_.
- (e)  the appeal is not in compliance with 37 CFR 41.31(a)(1) in that no claim has been twice rejected.
- (f)  a Notice of Allowability, PTO-37, was mailed by the Office on \_\_\_\_\_.

2.  The appeal brief filed on \_\_\_\_\_ is NOT acceptable for the reason(s) indicated below:

- (a)  the brief and/or brief fee is untimely. See 37 CFR 41.37(a).
- (b)  the statutory fee for filing the brief has not been submitted. See 37 CFR 41.20(b)(2).
- (c)  the submitted brief fee of \$\_\_\_\_\_ is insufficient. The brief fee required by 37 CFR 41.20(b)(2) is \$\_\_\_\_\_.

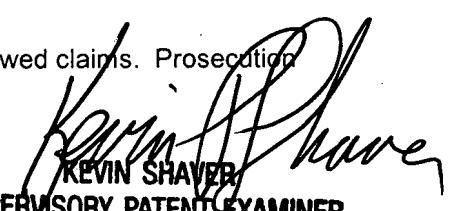
The appeal in this application will be dismissed unless corrective action is taken to timely submit the brief and requisite fee. See 37 CFR 41.37(a)(1). Extensions of time may be obtained under 37 CFR 1.136(a). See 37 CFR 41.37(e).

3.  The appeal in this application is DISMISSED because:

- (a)  the statutory fee for filing the brief as required under 37 CFR 41.20(b)(2) was not timely submitted and the period for obtaining an extension of time to file the brief under 37 CFR 1.136(a) has expired.
- (b)  the brief was not timely filed and the period for obtaining an extension of time to file the brief under 37 CFR 1.136(a) has expired.
- (c)  a Request for Continued Examination (RCE) under 37 CFR 1.114 was filed on \_\_\_\_\_.
- (d)  other: The paper filed on March 13, 2007 in response to the Notification of Non-Compliant Appeal Brief mailed on March 6, 2007 is not a complete brief and does not meet the exceptions in MPEP 1205.03. Additionally, the appeal brief does not appear to have a proper electronic signature.

4.  Because of the dismissal of the appeal, this application:

- (a)  is abandoned because there are no allowed claims.
- (b)  is before the examiner for final disposition because it contains allowed claims. Prosecution on the merits remains CLOSED.
- (c)  is before the examiner for consideration.



KEVIN SHAVER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700